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TITLE 24—HOUSING CREDIT

TITLE 25—INDIANS

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is paid in full. Interest on deferred payments on Indian lands shall not be charged. All landowners, Indian and white, have the right to pay on the due date of the first installment the total assessment against their respective lands, and by so doing, in the case of white-owned lands, avoid payment of interest charged on all deferred obligations. They shall have the right also to pay at any time the total of the then unpaid indebtedness.*†

144.5 Default. The Secretary of the Interior, in the case of default by the landowners of any installments, may take such action as he may deem proper to enforce the payment thereof under the provisions of the Act of March 18, 1926, and the contracts executed with the respective landowners.*†

PART 147—REIMBURSEMENT OF CONSTRUCTION COSTS, SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Sec.

147.1 Water supply.
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Sec.

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Section 147.1 Water supply. The engineering report dealt with in section 1 of the Act of June 7, 1924 (43 Stat. 475) and other available records show that the storage capacity of the San Carlos Reservoir created by the Coolidge Dam and the water supply therefor over a period of years will provide for the irrigation of only 80,000 acres of lands in Indian and public or private ownership within the San Carlos irrigation project, the balance of the water supply needed for the additional 20,000 acres of the project to be provided for by recaptured and return flow water and by means of pumping the underground supply. The cost of providing the proposed supply and of operating the works for this latter acreage to be equally distributed over the entire 100,000 acres of the project regardless of where the works are placed and operated.**†† [Par. 2]

**§§ 147.1 to 147.8, inclusive, issued under the authority contained in sec. 5, 43 Stat. 476, 45 Stat. 210–212, 46 Stat. 103.

††The source of §§ 147.1 to 147.8, inclusive, is Public Notice, reimbursement of construction costs, San Carlos Indian Irrigation Project, Arizona, Secretary of the Interior, Dec. 1, 1932.

147.2 Availability of water. Pursuant to section 3 of the Act of June 7, 1924, 43 Stat. 475, requiring the Secretary of the Interior by public notice to announce when water is actually available for lands in private ownership under the project and the amount of the construction charges per irrigable acre against the same which charges shall be payable in annual installments as provided for therein, this public notice, of which the foregoing is made a part hereof, is hereby given:

The date when a reasonable water supply is actually available for lands in private ownership under the San Carlos irrigation project is hereby declared to be the 1st day of December 1932.**†† [Par. 4, subpar. 1]

147.3 Construction charges. Each acre of land in private ownership of said project is hereby charged with \$95.25, of construction cost assessable thereto at the date hereof, which sum is based upon 50,000 acres of such privately owned lands, making a total charge or assessment due from the owners thereof of \$4,762,250 on this date, excluding the cost of operation and maintenance for the calendar year of 1933 which may be carried into construction cost as provided for by section 3 of the Act of June 7, 1924 (43 Stat. 476), and also excluding interest at the rate of 4 per centum which is charged against such lands by said Act. Of the 50,000 acres constituting the lands in private ownership within the said project only 46,107.49 acres have at this date actually been designated as coming within the project. Should this present designated area be not increased within a reasonable time herefrom and prior to the due date of the first installment of the charge herein fixed, namely, on December 1st, 1935, so as to bring the total designated area up to the 50,000 acres, the per acre charge herein fixed shall be proportionately increased against the then designated area so as to assure reimbursement of the total indebtedness due the Government by the owners of the lands in private ownership from the lesser designated acreage.*† [Par. 4, subpar. 2]

147.4 Future charges. The payment of said construction cost and costs of future operation and maintenance of said project as provided for in said section 3 of the Act of June 7, 1924 (43 Stat. 476) as supplemented or amended and such contingent project liabilities which may be incurred in accordance with the provisions of said repayment contract shall be made in accordance with the provisions of said Act of June 7, 1924, as supplemented or amended and the repayment contract¹⁵ by and between the San Carlos Irrigation and Drainage District and the Secretary of the Interior bearing date of June 8, 1931; the said construction cost incurred subsequent to this public notice assessable against the lands in private ownership and costs of operation and maintenance assessed against such privately owned lands within the project for the first year after this public notice to be included in the construction cost and such contingent project liabilities which may be incurred in accordance with provisions of the repayment contract shall also be repaid to the Government pursuant to the terms of said Act of June 7, 1924, as supplemented or amended, and the repayment contract and this public notice.*† [Par. 4, subpar. 3]

147.5 Construction costs limited. The repayment contract¹⁵ with the San Carlos Irrigation and Drainage District, page 13 thereof, contains the following:

In accordance with the foregoing the costs of the San Carlos Project as fixed by the public notice to be issued as aforesaid, unless further sums shall be agreed to by the Secretary of the Interior and the District after the execution of this instrument, may amount to but shall not exceed the sum of \$9,556,313.77, except that said total may be exceeded by the inclusion of any sums expended to safeguard the Project as hereinabove provided for, and any sums expended on account of contingent liabilities as in the next paragraph hereof provided.

¹⁵ Contract available at Office of Indian Affairs, Washington, D. C.

*† For statutory and source citations, see note to § 147.1.

The foregoing and subsequent statements of Project costs, the District's share of which are to be repaid hereunder, unless otherwise provided by Congress more favorably to the lands of the Project, may be increased by the addition of sums not now fixed as Project charges but which possibly constitute contingent Project liabilities incurred after the date of the San Carlos Act of June 7, 1924 (43 Stat. 476), or incurred on account of the Florence-Casa Grande Project, and so may become Project charges by the judgment of courts of competent jurisdiction or of other proper authority.

The limitation therein fixed has approximately been reached, there remaining but \$32,815.02 yet to be expended on project works before reaching that limitation. Upon the expenditure of this additional sum there shall be no further expenditures of funds for construction, operation and maintenance of the San Carlos Project so far as the private lands are concerned until the San Carlos Irrigation and Drainage District shall, through appropriate action, authorize pursuant to the terms of the said repayment contract such additional expenditures. This limitation does not apply to project expenditures for the extension of the distributing and pumping system regardless of where they may arise. This class of expenditures being excepted from the limitation on expenditures contained in the said repayment contract³ by section 14, page 10, thereof, which section is known as the "Equalization of Expenditures."

*† [Par. 4, subpar. 4]

147.6 Power development. The cost of the power development at the Coolidge Dam is hereby fixed at \$735,000. The net revenues derived from the operation of this power development shall be disposed of as required by the terms and conditions of the Act of March 7, 1928 (45 Stat. 210) as supplemented or amended.*† [Par. 4, subpar. 5]

147.7 Private ownership defined. The term "private ownership" used in this public notice includes all lands of the San Carlos Irrigation Project that have or may be designated by the Secretary of the Interior that are situated outside of the boundaries of the Gila River Indian Reservation.*† [Par. 5]

147.8 Indian lands excluded. This public notice, with the exception of that part dealing with payment in advance each year of operation and maintenance charges against lands in Indian ownership operated under lease, does not apply in so far as payments are concerned to Indian lands within the project. The Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a) defers the collection of construction costs from Indian owned lands so long as the title to such lands remain in the Indian ownership.*† [Par. 5]

Subchapter O—Irrigation Projects: Liens and Sales

PART 151—INCLUSION OF LIENS IN ALL PATENTS AND INSTRUMENTS EXECUTED

Sec.

151.1 Liens.

151.2 Instructions.

151.3 Leases to include description of lands.

Sec.

151.4 Prompt payment of irrigation charges by lessees.

CROSS REFERENCES

General regulations pertaining to the issuance of patents in fee: See Part 241.
General regulations pertaining to the leasing of allotted and tribal lands: See Part 171.